Ethos Urban

8 September 2022

2220174

Mr. Michael Cassel
Secretary
Department of Planning and Environment
12 Darcy Street,
Parramatta, NSW 2150

SECTION 4.55(1A) MODIFICATION REPORT
JOHN HUNTER HEALTH AND INNOVATION PRECINCT, LOOKOUT DRIVE, NEW LAMBTON HEIGHTS

1.0 Introduction

This Modification Report has been prepared by Ethos Urban on behalf of Health Infrastructure NSW (HI) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 9351535 relating to the John Hunter Health and Innovation Precinct (herein referred to as JHHIP).

The purpose of this modification is to facilitate a number of minor design improvements resulting from design and civil engineering refinement. The proposed modifications do not result in an outcome that is substantially different from the approved development and will contribute to an enhanced outcome which retains the essence of the approved development.

This modification application identifies the consent proposed to be modified, describes the proposed modifications, and provides a planning assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This modification application is accompanied by:

- Architectural Plans prepared by BVN (**Attachment A**).
- Design Statement prepared by BVN (**Attachment B**).
- Civil Modification Plans prepared by Northrop (**Attachment C**).
- Civil Letter prepared by Northrop (**Attachment D**).
- Landscape Plans prepared by Black Beetle (**Attachment E**).
- ESD Compliance Letter prepared by EMF Griffiths (**Attachment F**).
- Mine Subsidence Letter prepared by Ditton Geotechnical Services (DGS) (**Attachment G**).
- Subsidence Advisory NSW Correspondence (**Attachment H**).
- Subsidence Advisory NSW Stamped Plans (**Attachment I**).
- Traffic Letter prepared by Stantec (**Attachment J**).
- Bushfire Advice prepared by Blackash (**Attachment K**).

2.0 Consent proposed to be modified

State Significant Development Consent (SSD 9351535) was granted by the then Minister for Planning and Public Spaces on the 30 November 2021 for:

- Construction and operation of an eleven storey Acute Services Building (ASB), including four levels of semi-basement parking and a rooftop helipad.
- Refurbishment of existing John Hunter Hospital buildings.
- Construction of new road infrastructure and improvements to existing drop-off facilities.
- Temporary construction access road.
- New pedestrian connections to the new ASB and a link bridge to the Hunter Medical Research Institute.
- Upgrade existing car parking facilities.
- Landscape and public domain works.
- Mines grouting remediation works.
- Building services works and utility adjustments.
- Stormwater drainage.
- Signage.
- Site preparation, including bulk earthworks and tree removal.

This modification has been prepared for the purposes of seeking approval for minor changes to the design that are a result of design development and improvements to the design. This application represents the third modification to this approval.

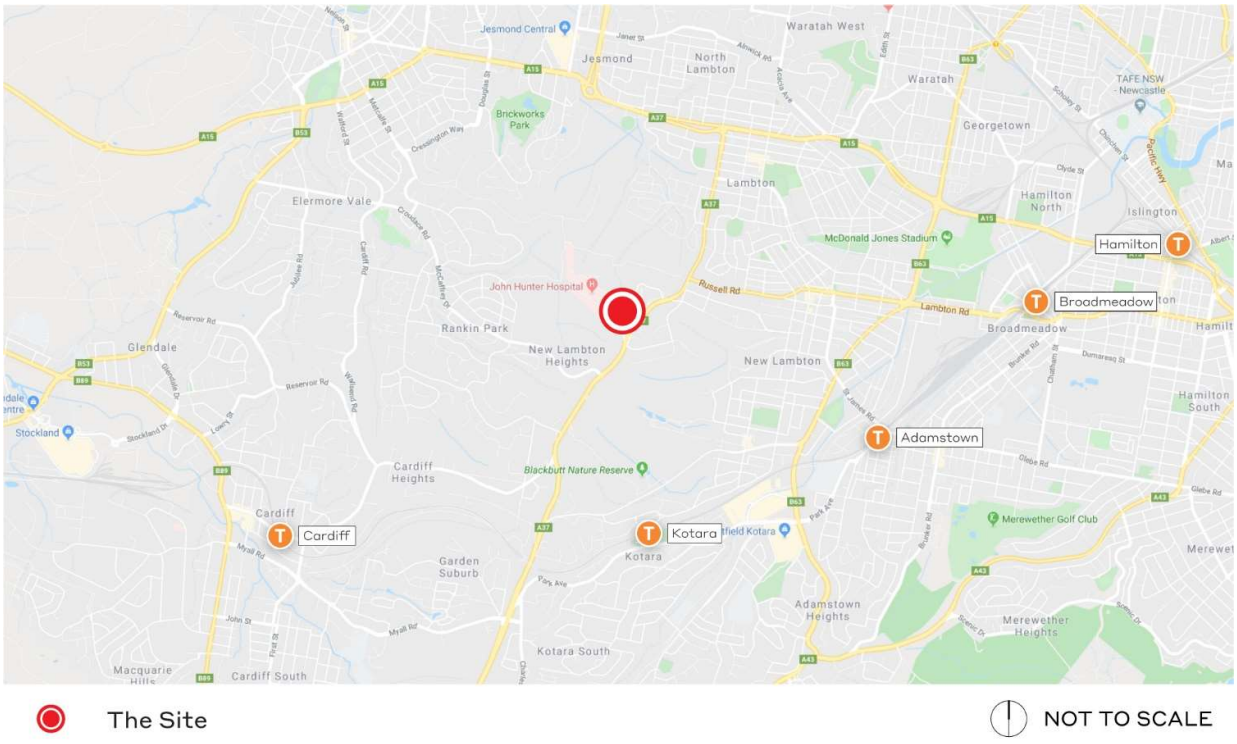

Figure 1 Regional context of the site

Source: Google Maps, Ethos Urban

3.0 Strategic Context

The John Hunter and John Hunter Children's Hospitals are major metropolitan hospitals and the principal tertiary referral and tertiary hospital for residents of the Hunter New England Local Health District (HNELHD) and Northern NSW and provides a range of clinical and non-clinical services including emergency, surgical, maternity, intensive care, renal and other health services for the Hunter Region. The vision for the JHHIP is that it will continue to develop as a designated centre of excellence and tertiary referral centre for a range of services and innovation. The JHHIP will enable more integrated service delivery through collaboration with key health, education, and research partners within a Precinct environment.

In summary, the JHHIP project:

- Is consistent with the State Infrastructure Strategy 2018 – 2038 Building the Momentum as it delivers health infrastructure to meet the growing needs of northern NSW.
- Is consistent with the Greater Newcastle Metropolitan Plan 2036, as it provides a new and improved service offering on an existing hospital campus that will increase capacity, improve waiting times and allow for greater integration of services for the Newcastle Region.
- Is consistent with the Hunter Regional Plan 2036's goal of expanding the regional economy in strengthening a strategic centre and Direction 23 of the Hunter Plan in that it promotes the growth of the JHH Strategic Centre and supports economic and future population growth in the region.
- Is consistent with the Newcastle 2030 Community Strategic Plan in providing new health infrastructure associated with the existing JHH and the creation of a health and innovation precinct, provides equitable access to health and promotes a healthy, smart, and innovative community.
- Is consistent with Newcastle Employment Lands Strategy 2019 by increasing the hospital's capacity and providing opportunity for additional ancillary uses, which will ensure continued employment growth in the health sector, and create opportunities for business within health-related supply chains.
- Is consistent with the Transport for NSW's Future Transport Strategy 2056, as it will provide additional health care facilities in a highly accessible location and provide access to additional new employment opportunities.

4.0 Description of Modifications

The proposed modifications to the development are described below in **Table 1** below and are illustrated in the Architectural Plans prepared by BVN (**Attachment A**), and the Civil Drawings prepared by Northrop (**Attachment C**). The civil modifications are explained in more detail in the Civil Letter prepared by Northrop (**Attachment D**).

Design changes are illustrated on the Architectural Plans at **Attachment A** with each change shown clouded in red with referencing (1, 2, 3 etc.) as per the table. Civil design changes are also demonstrated on the Civil Plans at **Attachment C**.

It is noted that the proposed modification does not result in any change to tree removal, parking numbers, overall bed numbers or any other substantial development elements.

A comparison of the ASB as approved and as proposed is shown at **Figure 1** and **Figure 2** below.

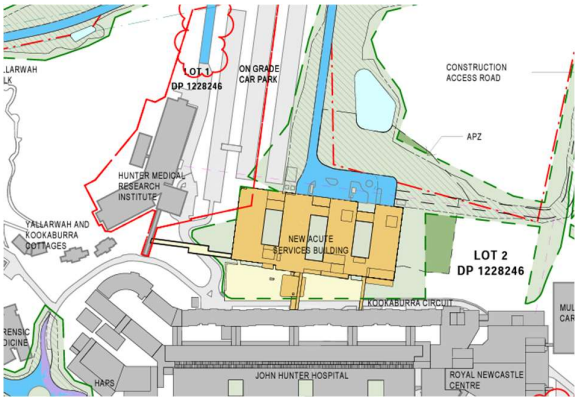

Figure 2 Approved ASB development

Source: BVN Architects

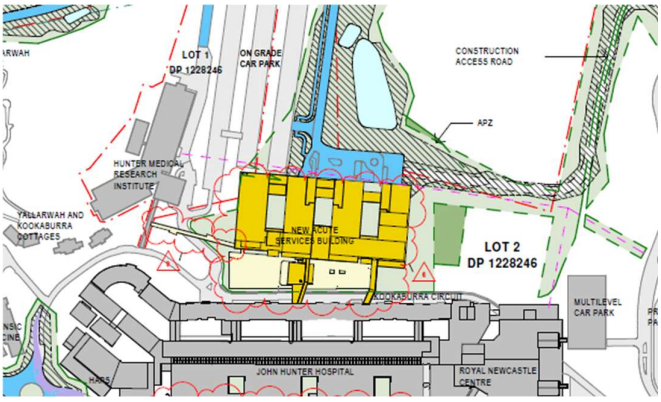

Figure 3 Proposed ASB alignment

Source: BVN Architects

Table 1 Summary of Design Changes

Drawing Reference	Design Change	Explanation
1	Minor changes to the basement level facade cladding materials.	Some minor simplification has been undertaken to provide greater consistency of façade types and locations across the basement levels. These changes are intended to provide greater visual and ventilation permeability to car park levels, whilst also providing better connection to the external environment.
2	Reduced floor heights from 4.5m to 4.2m	The reduction of floor-to-floor heights at various levels of the ASB has been distributed to Basement Level 4, allowing for a basement level with greater height. The overall building height is largely unchanged and reduces in height from RL125.3 to RL125.25.
3	Finishes of all windows frames and balustrades changed from anodised aluminium to standard powder- coated finishes	This minor change in materiality from an anodised to powder-coated finish is proposed as it will be easier to maintain, with a better long-term outcome from a visual and durability perspective. Ref also Item #J in the Materials Board.
4	Rationalised punch windows	The previously indicated openings were stacked vertically at the end of each 'finger' of the ASB. These have now been removed in an effort to reinforce the integrity of the form and the break-up of the overall mass. This update does not reduce the amount of light entering the building or limit the views out of the typical floor plate area as these windows were previously located to fire egress stairs only.
5	Deletion of precast panels from basement car park edge planters	The design team has continued to review the JHHIP from the perspective of caring for Country, consistent with the underlying Designing with Country framework. Where possible, the use of differing materials has been reduced where the same visual and experiential design outcome can be achieved. As a result, precast panels previously shown to the basement facade have now been deleted, however the planted edges are retained.
6	ASB relocation and rotation	This modification proposes to rotate the ASB building slightly. The rotation of the building pushes the orientation closer to true north without losing the opportunity to open up towards the Hunter Medical Research Institute (HMRI). Slight movement further away from the existing JHH enables separation from the existing façade of the JHH and improves the amount of space for the end user in the ED drop off area. The original design for the Acute Services Building (ASB) included the construction of an approximately 12m high shoring wall along the southern edge of the building. Completion of additional geotechnical investigations and subsequent subsurface strata modelling determined that construction of this shoring wall would present a significant slope stability risk for the existing John Hunter Hospital during the construction period. The proposed modified design seeks to move the building to the north varying up to 10m, including a small counter clockwise rotation in order to provide additional room for battering of the excavation rather than installing a vertical shoring wall.

Drawing Reference	Design Change	Explanation
		This option dramatically reduces the risk of slope instability from the works by avoiding poor subgrade layers, increasing the safety profile for both workers and the existing Hospital facilities. All other adjustments as a result of the relocation and rotation have no detrimental impact on the design intent as captured in the previously approved JHHIP SSDA. The rotation yields a 130m² increase of GFA due to the increased link between the ASB and existing JHH. A level by level description of the changes is as follows: • LVL B1: Amendment to services zone, reconfiguration of ramp. • LVL B2 - B4: Amendment to southwest corner of basement level • LVL 00: Amended structure and rotation allows for more generous ambulance parking and ED drop off area. B1 ramp reconfigured to reduce traffic flow cross over. • LVL 01: Minor amendment of Elevated Garden geometry, maintaining the design intent. Geometry of facilities management link adjusted. • LVL 02: Pavilion connection link to JHH amended • LVL 03: Clinical link adjustment.
7	Facilities management link updates	Connectivity between the existing JHH and the proposed ASB has been further developed and updated to accommodate the functional requirements. This update relates to the widening of the facilities management / back of house link at Level 1 of the development. The design intent has remained consistent with the previously approved SSDA. As part of the overall consideration of buildability and maintenance, the sedum planted roof to the link has been removed for a metal deck roof. Given this represents a small area of the development, it is expected that this will not adversely alter the outcomes of the design intent.
8	Slab reduction over eastern Basement 1 car park level	It is proposed to set back the slab projection at the northern edge of Level 0 over the Level B1 car park. A small extent of the slab is proposed to be pulled back by 8.4m. From a visual perspective this will not materially alter the overall design of the approved ASB.
9	HMRI link bridge updates	The ASB relocation and rotation has an impact on the HMRI link bridge, resulting in a minor adjustment to the alignment and geometry of this link bridge. This update does not alter materially the external visual appearance of the link bridge, nor its interfaces with HMRI or the ASB.
10	Planter extent adjustments	The configuration of gravel rooftops with planter edges has evolved as part of the ongoing design development. The updates retain the general design intent by increasing the perception of vertical landscape breaking down the form of the building.
11	Slab extent increase on levels 3 and 4	Structural requirements have led to an increased extent of slab projection to the northern edges of the ASB 'fingers' on levels 3 and 4. The extended slab will include planters at the end of each finger to further reinforce the form of the ASB and provide both a near and distant view of vegetation from within the ASB.
12	Arbour to elevated garden pavilion	An arbour has been added to the elevated garden pavilion at Level 2 and 3 through the process of design development, to provide usable outdoor space, and to provide some further shading to the pavilion structure.
13	Sedum roof change to gravel	The materiality of a small area of roof top at Level 4 on the northern edge of the ASB is proposed to be changed from sedum landscaping to gravel. This small area of roof is located opposite the approved landscaping area on Level 4 courtyard so extensive landscaped spaces are generally retained on this level. The area in question is also set in from the most northern extent of the building and as such the visual impact of the change is limited.
14	Terrace extent adjustment	The Level 5 terrace extent has been amended slightly to accommodate a more robust structural solution. The impact is minor in nature from an architectural perspective and does not alter the design intent of the previously approved JHHIP SSDA.

Drawing Reference	Design Change	Explanation
15	Roof plant refinements	Minor realignment and geometry of the rooftop plant has developed to accommodate a change to the preferred rooftop plant approach, with minimal impact to the visual appearance of the rooftop plant enclosure. The design is still consistent with the design intent as described in the previously approved JHHIP SSDA.
16	JHH Southern arrival adjustments	The structural resolution of the southern entry canopy has driven minor adjustments to the geometry, facilitating better protection for pedestrians, more articulation of the form, allowing for greater protection. This update also captures general development of landscape design, increasing scope and opportunities for public activation.
17	Minor car parking layout adjustments	Minor adjustments to car parking layouts generally to optimise functionality and safety within the ASB basement levels. This includes:
18	Basement plant and services layout consolidation	Layout revised as part of services optimisation
19	ASB car park access road configuration	ASB car park access road amended to capture improved traffic flow into the ASB, including bicycle access
20	Motorcycle parking indicated	Relocation of approved motorcycle parking. Note that no increase to motorcycle parking is proposed.
21	Wind and privacy protection screening	Wind screening added to Ambulance Bay as advised by wind engineer. Screening also provides a layer of privacy and assists in further articulating the western elevation on approach to the ASB.
22	Solar shading to Western facade	Rationalisation of façade planning following previous approved JHHIP SSDA has resulted in minor amendments of sun hood type extent. The updated design retains the underlying design intent consistent with the previous approved JHHIP SSDA.
A (23) 24-30	Finishes amendment	Numerous materiality changes are proposed to address buildability, maintenance and durability concerns. These changes will continue to maintain the design intent originally approved, and are generally proposed in relation to technical advice, such as fire safety and wind impacts. These items are discussed further in the Architectural Design Statement at **Attachment B** and shown on the plans at **Attachment A**.
Civil Design Changes		
1	Deletion of Western Road bridge structure for retained earth structure	When consideration was given to construction of the proposed suspended concrete bridge a number of concerns were raised by the contractor, including: • Bridge construction would require additional tree clearing and site establishment works in order to facilitate access to the construction zone. This clearing would be outside of the current development consent. • Bridge construction would require delivery of precast bridge girders which would need to utilise the internal hospital road network. Congestion or closing of the road network would have a significant impact on operations and is considered unacceptable for the development. As such, construction of the western road in this location is proposed to be completed using a soil reinforced earth retaining structure which will resolve the above issues, comprise a less complicated construction technique leading to faster, safer and less expensive construction and would require little to no night works.
2	North Road Culverts	Additional topographic survey undertaken at the completion of site clearing confirmed that the natural topographic low point was slightly misaligned from the proposed culvert locations (circa 5m). The revised plans correct this issue to ensure that the culverts are located within the existing natural drainage line.
-	Relocation of the builders 2-storey site offices adjacent to the east of the ASB (see Northrop C300-DA)	

Drawing Reference	Design Change	Explanation
Parking Changes		
-	Five additional ambulance parking spaces will be provided in addition to the nine bays proposed as part of the original SSD application.	
-	Reduction in one authorised vehicle parking space provided within the ambulance parking area. It is noted however that the additional ambulance parking bays can be used by authorised vehicles also.	
-	Increase in one parallel space and three angled spaces in the emergency department drop-off area. This results in a total of five parallel spaces and seven angled spaces, including one accessible space.	

4.1 Modifications to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~**bold strike through**~~ and works to be inserted are shown in ***bold italics***.

TERMS OF CONSENT

A2. The development may only be carried out:

(d) In accordance with the approved plans in the table below:

Architectural Drawings prepared by BVN Architects			
Dwg No.	Rev	Name of Plan	Date
AR_C0-A22 NL-XO	~~**8**~~ ***10***	Proposed Site Plan – North Road East Phase	~~**11/05/2022**~~ ***15/07/22***
AR_C0-A22 NL-X1	~~**7**~~ ***9***	Proposed Site Plan – Initial Phase	~~**11/05/2022**~~ ***15/07/22***
AR_C0-B10 B1-00	~~**7**~~ ***8***	Basement Level 1 Floor Plan	~~**06/08/2021**~~ ***15/07/22***
AR_C0-B10 B2-00	~~**7**~~ ***8***	Basement Level 2 Floor Plan	~~**06/08/2021**~~ ***15/07/22***
AR_C0-B10 B3-00	~~**7**~~ ***8***	Basement Level 3 Floor Plan	~~**06/08/2021**~~ ***15/07/22***
AR_C0-B10 B4-00	~~**7**~~ ***8***	Basement Level 4 Floor Plan	~~**06/08/2021**~~ ***15/07/22***
AR_C0-B10 L0-00	~~**7**~~ ***8***	Level 00 Floor Plan	~~**06/08/2021**~~ ***15/07/22***
~~**AR_C0-B10 L0-01**~~ ***AR_C0-B10 L1-00***	~~**7**~~ ***8***	Level 01 Floor Plan	~~**06/08/2021**~~ ***15/07/22***
AR_C0-B10 L2-00	~~**8**~~ ***9***	Level 02 Floor Plan	~~**06/08/2021**~~ ***15/07/22***
AR_C0-B10 L3-00	~~**7**~~ ***8***	Level 03 Floor Plan	~~**14/05/2021**~~ ***15/07/22***
AR_C0-B10 L4-00	~~**6**~~ ***7***	Level 04 Floor Plan	~~**14/05/2021**~~ ***15/07/22***
AR_C0-B10 L5-00	~~**6**~~ ***7***	Level 05 Floor Plan	~~**14/05/2021**~~ ***15/07/22***
AR_C0-B10 L6-00	~~**7**~~ ***8***	Level 06 Floor Plan	~~**06/08/2021**~~ ***15/07/22***
AR_C0-B10 L7-00	~~**8**~~ ***9***	Level 07 Floor Plan	~~**06/08/2021**~~ ***15/07/22***
AR_C0-B10 L8-00	~~**7**~~ ***8***	Roof Plan	~~**06/08/2021**~~ ***15/07/22***
Landscape Plans prepared by ~~Urbis~~ *Black Beetle*			
LD_00-A00 XX-00	~~**F**~~ ***G***	COVER SHEET	~~**09/08/2021**~~ ***15/07/22***
LD_00-A10 XX-01	~~**B**~~ ***C***	LEGEND SHEET	~~**13/05/2021**~~ ***15/07/22***
LD_00-A10 XX-02	~~**D**~~ **E**	~~**PLANTING SCHEDULE STREETSCAPE**~~ ***PLANTING SCHEDULE - STREETSCAPE***	~~**09/08/2021**~~ ***15/07/22***
LD_00-A10 XX-04	~~**B**~~ ***C***	~~**PLANTING SCHEDULE COURTYARDS & INTERNAL**~~ **PLANT SCHEDULE - ACUTE SERVICES BUILDING**	~~**13/05/2021**~~ ***15/07/22***
~~**LD_C0-01 NL-01**~~ ***LD_00-B01 NL-01***	~~**G**~~ ***I***	SHEET SPLIT SITE RELATED	~~**13/05/2021**~~ ***15/07/22***

LD_C0-B20 NL-00	D	JHH ARRIVAL FORECOURT	09/08/2021
~~**C0-B20 NL-X0**~~ ***LD_B0-B20 NL-X0***	~~***G***~~ ***I***	OVERALL ZONAL PLAN	~~**13/05/2021**~~ ***15/07/22***
~~**LD_C0-B20 NL-X1**~~ ***LD_B0-B20 NL-X1***	~~**E**~~ ***G***	TREE REMOVAL PLAN	~~**13/05/2021**~~ ***15/07/22***
~~**LD_C0-B60 NL-X1**~~ ***LD_B0-B60 NL-X1***	E	SITE WIDE LANDSCAPE PLAN	~~**13/05/2021**~~ ***15/07/22***
LD_C0-B61 NL-01	B	ARRIVAL FORECOURT SECTIONS	13/05/2021
~~**LD_CA-B20 00-20**~~ ***LD_BA-B20 00-20***	~~**D**~~ ***E***	~~**ASB BUILDING LEVEL 00**~~ ***ASB LANDSCAPE PLAN - LEVEL 00***	~~**09/08/2021**~~ ***15/07/22***
~~**LD_CA-B20 01-20**~~ **LD_BA-B20 01-20**	~~**D**~~ ***E***	~~**ASB BUILDING LEVEL 01**~~ ***ASB LANDSCAPE PLAN - LEVEL 01***	~~**09/08/2021**~~ ***15/07/22***
~~**LD_CA-B20 02-20**~~ **LD_BA-B20 02-20**	~~**B**~~ ***C***	~~**ASB BUILDING LEVEL 02**~~ ***ASB LANDSCAPE PLAN - LEVEL 02***	~~**13/05/2021**~~ ***15/07/22***
~~**LD_CA-B20 03-20**~~ **LD_BA-B20 03-20**	~~**B**~~ ***C***	~~**ASB BUILDING LEVEL 03**~~ ***ASB LANDSCAPE PLAN - LEVEL 03***	~~**13/05/2021**~~ ***15/07/22***
~~**LD_CA-B20 04-20**~~ **LD_BA-B20 04-20**	~~**B**~~ ***C***	~~**ASB BUILDING LEVEL 04**~~ ***ASB LANDSCAPE PLAN - LEVEL 04***	~~**13/05/2021**~~ ***15/07/22***
~~**LD_CA-B20 05-20**~~ **LD_BA-B20 05-20**	~~**B**~~ ***C***	~~**ASB BUILDING LEVEL 05**~~ ***ASB LANDSCAPE PLAN - LEVEL 05***	~~**13/05/2021**~~ ***15/07/22***
~~**LD_CA-B20 06-20**~~ **LD_BA-B20 06-20**	~~**B**~~ ***C***	~~**ASB BUILDING LEVEL 06**~~ ***ASB LANDSCAPE PLAN - LEVEL 06***	~~**13/05/2021**~~ ***15/07/22***
~~**LD_CA-B20 B1-20**~~ **LD_BA-B20 B1-20**	~~**D**~~ ***E***	~~**ASB BUILDING LEVEL B1**~~ ***ASB LANDSCAPE PLAN - BASEMENT 01***	~~**09/08/2021**~~ ***15/07/22***
~~**LD_CA-B20 B2-20**~~ **LD_BA-B20 B2-20**	~~**D**~~ ***E***	~~**ASB BUILDING LEVEL B2**~~ ***ASB LANDSCAPE PLAN - BASEMENT 02***	~~**09/08/2021**~~ ***15/07/22***
~~**LD_CA-B20 B3-20**~~ **LD_BA-B20 B3-20**	~~**D**~~ ***E***	~~**ASB BUILDING LEVEL B3**~~ ***ASB LANDSCAPE PLAN - BASEMENT 03***	~~**09/08/2021**~~ ***15/07/22***
~~**LD_CA-B20 B4-20**~~ **LD_BA-B20 B4-20**	~~**D**~~ ***E***	~~**ASB BUILDING LEVEL B4**~~ ***ASB LANDSCAPE PLAN - BASEMENT 04***	~~**09/08/2021**~~ ***15/07/22***
~~**LD_CA-B61 00-01**~~ **LD_B0-B61 00-01**	~~**B**~~ ***C***	~~**ASB BUILDING LEVEL 00 COURTYARD SECTIONS**~~ ***ASB LEVEL 00 COURTYARD SECTIONS***	~~**13/05/2021**~~ ***15/07/22***
~~**LD_CA-B61 00-02**~~ **LD_B0-B61 00-02**	~~**B**~~ ***C***	~~**ASB BUILDING LEVEL 00 ED ARRIVAL SECTION**~~ **ASB LEVEL 00 ED ENTRY SECTIONS**	~~**13/05/2021**~~ ***15/07/22***
~~**LD_CA-B61 01-02**~~ **LD_B0-B61 01-02**	~~**B**~~ ***C***	~~**ASB BUILDING LEVEL 01 ELEVATED GARDEN SECTIONS**~~ **ASB LEVEL 01 ELEVATED GARDEN SECTIONS**	~~**13/05/2021**~~ ***15/07/22***
~~**LD_CA-B61 04-01**~~ **LD_B0-B61 04-01**	~~**B**~~ ***C***	~~**ASB BUILDING LEVEL 04 COURTYARD SECTIONS**~~ **ASB LEVEL 04 COURTYARD SECTIONS**	~~**13/05/2021**~~ ***15/07/22***
Civil Drawings prepared by Northrop			
C001-DA	~~**8**~~ **9**	7 COVER SHEET, LOCALITY PLAN AND DRAWING SCHEDULE	~~**11/05/2022**~~ ***13/07/22***
C100-DA	~~***7***~~ ***8***	SOIL AND WATER MANAGEMENT PLAN	~~**11/05/2022**~~ ***13/07/22***
C101-DA	~~***7***~~ ***8***	SOIL AND WATER MANAGEMENT DETAILS	~~**11/05/2022**~~ ***13/07/22***
C102-DA	~~***7***~~ ***8***	SOIL AND WATER MANAGEMENT NOTES	~~**11/05/2022**~~ ***13/07/22***
C200-DA	~~**8**~~ **9**	BULK EARTHWORKS PLAN	~~**11/05/2022**~~ ***13/07/22***
C300-DA	~~**9**~~ **10**	CIVIL WORKS ARRANGEMENT PLAN	~~**11/05/2022**~~ ***13/07/22***
C400-DA	~~**9**~~ **10**	ROAD SETOUT PLAN	~~**11/05/2022**~~ ***13/07/22***

C401-DA	~~8~~ **9**	ROAD TYPICAL SECTIONS	~~11/05/2022~~ ***13/07/22***
C501-DA	~~8~~ **9**	ROAD LONG SECTIONS SHEET 1	~~11/05/2022~~ ***13/07/22***
C502-DA	~~8~~ **9**	ROAD LONG SECTIONS SHEET 2	~~11/05/2022~~ ***13/07/22***
C503-DA	~~8~~ **9**	*ROAD LONG SECTIONS SHEET 3*	~~11/05/2022~~ ***13/07/22***

Reason: To reflect the revised plans as a result of the proposed modifications.

5.0 Statutory Context

5.1 Substantially the same development

Section 4.55(1A)(b) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)"*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- The amendments do not change the intent or use of the health precinct as approved.
- The amendments do not alter the approved development's level of compliance with the applicable environmental planning instruments and policies.
- The changes are intended to improve the design of approved elements of the SSDA, however they will not result in any changes to the overall intent of the development.
- The modification is consistent with the mitigation measures established in the development consent to protect the environment from potentially adverse effects of the development.
- The changes will not result in any new environmental impacts.

Section 4.55(3) of the EP&A Act requires a consent authority to take into consideration such of the matters referred to in section 4.15(1) as are relevant to the development subject of this application and the reasons given by the consent authority for the grant of the original consent.

5.2 Compliance with Environmental Planning Instruments

The relevant environmental planning instruments are addressed in **Appendix B.**

6.0 Engagement

Due to the nature of the modification and negligible impacts on the community, further authority and community engagement is not required.

7.0 Assessment of Impacts

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied that the proposed modification is of minimal environmental impact"*. Under Section 4.55(3), the Consent Authority must also take into consideration the relevant matters to the application referred to in Section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters of the modification under Section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

7.1 Height

The maximum building height has reduced from RL125.3m to RL125.25m, which is a reduction of 0.05 metres. The change will be imperceptible and will have negligible impact.

It is noted that in the original approval, the maximum building height is identified on drawings AR_ C0-D10 XX-X0 Rev 5 and AR_ C0-D10 XX-X1 Rev 5 and as described in the Response to Submissions Report prepared by Ethos Urban dated 27 August 2021.

7.2 Mine subsidence

An addendum to the Mine Subsidence Assessment for SSD 9351535 has been prepared by DGS and is included at **Attachment G**. This addendum confirms that, with reference to the subsidence assessment and the proposed grouting of the mine workings, all of the amendments will be located outside of the area of influence of the proposed mine grouting works. Therefore, there will be no impact on mine subsidence.

Correspondence from Subsidence Advisory NSW confirms that the works are substantially the same as that originally assessed, and the conditional approval previously provided remains unchanged. This correspondence and plans stamped by Subsidence Advisory NSW are included at **Attachment H** and **Attachment I**.

7.3 Overshadowing

Shadow studies prepared by BVN (**Attachment B**) confirm that the proposed rotation of the ASB footprint will have very minimal impact on overshadowing when compared to the approved orientation of the ASB. The rotation itself is minor, and as a result, no new areas are expected to be overshadowed. **Figure 3** below demonstrates this minor overshadowing change.

Figure 4 Revised solar diagrams for the winter solstice
Source: BVN Architecture

7.4 Traffic

A Traffic Impact Letter prepared by Stantec at **Attachment J** confirms that the minor basement adjustments and access arrangements have a negligible impact on traffic and accessibility to and within the site.

The parking layout changes will not impact the total provision of parking spaces as approved under the original SSDA, with a min. uplift of 900 spaces will being achieved across the site. Stantec have confirmed that the proposed car parking layout is expected to operate satisfactorily.

The design modification includes reconfiguration of the Level B1 ramp and amendment to ASB car park access road to reduce traffic flow cross over and improve access inclusive of bicycles. It is not anticipated that these amendments will have any impact on traffic or access. Further, given that traffic generation associated with the redevelopment is based on staff and bed numbers for the hospital. As the proposed modifications outlined in this modification will not result in any change to staff or bed numbers, it is not anticipated that any change to traffic generation or impact from that previously assessed.

7.5 Sustainability

A letter from EMF Griffiths has been provided at **Attachment F**, which confirms that the amendments to the ASB are minor in nature and will not have any impacts on the approved sustainability of the building, including NCC Section J compliance.

8.0 Justification of the modified project

The then Minister for Planning and Public Spaces' determination report sets out the following reasons for granting consent for the approval of SSD 9351535:

- The project would provide a range of benefits for the region and the State as a whole, including a significant investment which would support the delivery of 1,613 jobs during the construction phase and 210 new operational jobs.
- The project is permissible with development consent and is consistent with NSW Government policies, including the NSW Premier's Priorities, Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum, the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036 and Newcastle Council's Local Strategic Planning Statement.
- The impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The Department is satisfied the traffic generated by the proposal can be accommodated on the surrounding road network, subject to the completion of the adjoining Newcastle Inner City Bypass (NICB). In that regard, the Department has included conditions requiring the implementation of management measures to minimise traffic impacts if the hospital is delivered prior to the completion of the NICB. The Department is also satisfied the proposal adequately seeks to avoid and minimise biodiversity impacts and delivers a biodiversity offset strategy that appropriately compensates for the unavoidable loss of ecological values on the site. The Department has included conditions requiring the Applicant to investigate minimising biodiversity impacts associated with the future road access to the eastern part of the hospital campus.
- The issues raised in agency submissions have been considered and adequately addressed through the recommended conditions of consent.
- Weighing all relevant considerations, the project is in the public interest.

The proposed modifications seek to improve the buildability of the approved ASB and associated civil infrastructure. Further, the project will not result in any new environmental impacts. Therefore, the proposed modification remains consistent with the original reasons given for granting consent to SSD 9351535.

9.0 Conclusion

The purpose of this modification is to facilitate a number of design improvements resulting from design development relating to architectural and civil engineering details. The proposed modifications do not result in an outcome that is substantially different from the approved development and will contribute to an enhanced outcome which retains the essence of the approved development.

In accordance with section 4.55(1A) of the EP&A Act, Council may modify the consent as:

- The proposed modification is of minimal environmental impact.
- Substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely

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Appendix A

Updated Project Description

Component	As approved	As amended
Project summary	Construction and operation of a new hospital building and refurbishment of existing hospital facilities at JHH.	No change
Site area	1,182,800m^2	No change
Gross floor area of the ASB	59,000m^2	No change
Maximum height	RL 125.3m	RL 125.25m
Storeys	11 storeys (including 4 semi-basement levels)	No change
Car spaces	917	No change
Bicycle parking spaces	Staff – 24 Visitor – 24	No change
End of trip facilities	6 showers	No change
Loading dock spaces	Utilising existing JHH facilities	No change
Hours of operation	24 hours, seven days a week	No change
Jobs	1,613 construction 210 operational	No change

Appendix B

Statutory Compliance Table

Instrument	Assessment
Coal Mine Subsidence Compensation Act 2017	The site is identified as being located within a mine subsidence district. Mine subsidence is discussed further at Section 6.1.
Biodiversity Conservation Act 2017	There are no changes proposed to the extent, area or amount of vegetation previously approved to be cleared under SSD 9351535, and therefore, no further assessment is required.
State Environmental Planning Policy (Transport and Infrastructure) 2021	No changes are proposed to the overall bed or parking numbers, and therefore no new impacts to traffic generation are anticipated. Therefore, referral to Transport for NSW is not required under Schedule 3 of the Transport and Infrastructure SEPP.
State Environmental Planning Policy (Planning Systems) 2021	This SEPP identifies development that is SSD. Pursuant to this SEPP, hospitals with a CIV of more than $30 million are considered SSD. The approved JHHIP SSD 9351535 had a CIV of more than $30 million and therefore was declared SSD. Accordingly, this application seeks to modify this SSD approval.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Under the original JHHIP SSD assessment, the then State Environmental Planning Policy (Koala Protection) 2021 (now Biodiversity and Conservation SEPP) was assessed, and the JHHIP campus footprint was not identified as core koala habitat, as no koalas were recorded within the footprint. Further, koalas have not been recorded nearby (within 2.5 kilometres in the Central Coast Koala Management Area) within the last 18 years. No further provisions of the Biodiversity and Conservation SEPP apply. Therefore, no further assessment is required.
Local Planning Instruments and Controls	
Newcastle Local Environmental Plan 2012	The assessment previously undertaken against the *Newcastle Local Environmental Plan 2012* (Newcastle LEP) under SSD 9351535 remains relevant and the development is consistent with this assessment. As the proposal does not seek approval for any significant works other than minor alterations to the approved development, no new assessment against the Newcastle LEP is required.

Appendix C

Updated Mitigation Measures Table

The design changes do not require any changes to the project mitigation measures. Section 4.1 identifies relevant changes to the consent.